

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ACHATES REFERENCE PUBLISHING, INC.,

Case No. 2:11-CV-00294-DF-CE

Plaintiff,

v.

SYMANTEC CORPORATION;
GLOBALSCAPE INC.; COMMON TIME INC.;
COMMON TIME LTD.; NATIVE
INSTRUMENTS GMBH; STARDOCK
SYSTEMS INC.; VALVE LLC; ELECTRONIC
ARTS, INC.; NERO AG; NERO INC.;
QUICKOFFICE, INC.; and SOLARWINDS
INC.

Defendants.

**DEFENDANT SOLARWINDS, INC.'S RESPONSE TO ACHATES REFERENCE
PUBLISHING INC.'S MOTION TO STAY PENDING
INTER PARTES REVIEW [DKT. NO. 371]**

Defendant SolarWinds, Inc. ("SolarWinds") submits this response to Achates Reference Publishing Inc.'s ("Achates") motion to stay pending *Inter Partes* Review ("IPR") [Dkt. No. 371] pursuant to the Court's April 5, 2013 Order [Dkt. No. 375].

SolarWinds respectfully asks the Court to grant Achates' motion to stay as to SolarWinds. While the estoppel resulting from an IPR initiated by co-defendant Apple, Inc. arguably does not apply to SolarWinds, SolarWinds agrees that for the purposes of this case, if a stay is granted, it will not contest in this action the validity of any claim determined by the Patent and Trademark Office ("PTO") to be patentable on any grounds that Apple raised in the IPR proceedings, regardless of the appealability of that determination.

SolarWinds agrees with Achates that a relatively short stay pending the issuance of such a determination by the PTO would avoid the risk and costs associated with further litigation and trial concerning claims which may be invalidated or amended in the IPR.

Dated: April 8, 2013

Respectfully submitted,

By: /s/ Sara N. Kerrane
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**ATTORNEYS FOR SOLARWINDS,
INC.**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served on plaintiff's counsel of record via e-mail on April 8, 2013.

/s/ Sara N. Kerrane